

REMARKS

Claims 1-16 and 18-22 are pending in this application. Claims 1-16 and 18-22 are rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Request for Examiner Interview – pursuant to Section 713.01 of the MANUAL OF PATENT EXAMINING PROCEDURES, Applicant respectfully requests an interview with the Examiner to discuss the patentability of the pending claims if the present Amendment and Remarks do not render the claims allowable. Applicant is submitting a formal interview request with this Amendment.

Claims 1-4, 7-9, 13-16, 19, 20 and 22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by O'Reagan (U.S. Patent 7,100,229). Claims 5 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Reagan in view of Kienlein (U.S. Patent 6,704,961). Claims 6, 12 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Reagan in view of Boselli (U.S. Patent 4,796,316). Claims 10 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Reagan in view of Neal (U.S. Patent 4,967,433). Applicant respectfully traverses these rejections as set forth below.

Independent claim 1 recites a mattress including “a resilient body having at least one upper surface portion for supporting a person in a supporting orientation”, “a plurality of elongate surface channels disposed in the at least one upper surface portion and extending parallel thereto” and “wherein said at least one upper surface portion is upwardly inclined in said supporting orientation, and wherein along at least a part of the length of said surface channels in the inclined upper surface portion, a direction of elongation of said surface channels is inclined relative to the horizontal.” Applicant submits that the cited O'Reagan reference fails to describe the claimed mattress.

In particular, O'Reagan describes a mattress designed "to combat the development of decubitus ulcers" (col. 2, line 15) by reducing shear stress on the skin from the mattress (col. 1, line 50 to col. 2, line 14 and col. 2 lines 32-33). Directional support ribs 65 (extending transversely with respect to the longitudinal or head-to-toe direction) are formed by selective removal of resilient material so as to create channels 60 in the mattress material (col. 5, lines 1-5). Applicant respectfully submits that the channels 60 are not "surface channels", but rather deeper features and also do not extend in a direction of elongation that is inclined relative to the horizontal.

Moreover, starting at col. 6, line 58, O'Reagan describes that "longitudinal cuts 55 may cooperate with channels 60 to form individual cells 90 upon the upper support surface 30...[which] allows for more independent pressure dispersion by the cells 90 in response, for example, to gravitational forces.." Thus, O'Reagan is concerned with pressure distribution, rather than extraction or dissipation of heated air. Although O'Reagan shows inclined surface portions 70, 75, 80 and 85, the mattress does not have surface channels extending in a direction along these portions that would cause the channels to be inclined themselves.

In particular, the Examiner appears to be equating the cuts 55 to claimed channels. However, the cuts 55 are not channels. The cuts 55 of O'Reagan do not have any material removed, but are simply slices within the material that allow individual cells 90 to deform. There is no spacing defined by the cuts 55 as distinguished from (i) the elements 60 of O'Reagan that are specifically identified as "channels" or (ii) the claimed channels. Specifically, under the pressure of a person lying on the mattress, the cuts 55 of O'Reagan would not open (along their length). Thus, the cuts 55 do not and cannot form channels along the length of a cell, let alone any continuous channels extending some distance over the surface of the mattress. In fact, the longitudinal pressure would produce triangular openings and downward pressure, if anything, causes the cuts 55 to close. Accordingly, the cuts 55 of O'Reagan allow the possibility of adjacent cells 90 to move longitudinally relative to one another, thus assisting with pressure redistribution. Thus, the structure of these cuts 55 must be different than channels.

Moreover, with reference to Figure 8 of O'Reagan, only if the mattress was pushed up from below would the cuts open and form surface recesses that were open along the length of a cell, which is not how the mattress of O'Reagan would operate. Moreover, even then there would not be the formation of elongate surface channels.

The Office Action also cites a dictionary definition for "channel" to support the teaching of such a structure by the cuts 55 of O'Reagan. Applicant submits that the claim language and meaning thereof is clear from the claims and the specification as filed, which are different than the cuts 55 of O'Reagan.

The Court of Appeals for the Federal Circuit has made clear that the specification is the single best guide to the meaning of claim terms (see, e.g., *Phillips v. AWH Corp.*, 415 F.3d, 1303, 1313 (Fed. Cir 2005) and that extrinsic evidence is unlikely to result in a reliable interpretation of the claim language (see, e.g., *Phillips* at 1319). The Board of Patent Appeals and Interferences has also made clear that in the absence of something in the written description to the contrary, it is improper to read a claim term to encompass a broader definition simply because the definition may be found in a dictionary, treatise or other extrinsic source. (see, e.g., *Ex parte Shaw*, Appeal 2009-001635, page 5 (citing to *Phillips*)).

The claimed surface channel is not a cut as discussed above and as also clearly evidenced in the differences in figures of the presently pending application and the figures of O'Reagan. The cuts 55 of O'Reagan are formed to provide independent pressure dispersion of the cells 90, which is not the same as the claimed surface channel, which provides for dissipation of heat. Thus, the structures of the cuts 55 of O'Reagan and the claimed surface channels necessarily must be different to accomplish the differences for pressure dispersion and heat dissipation, respectively.

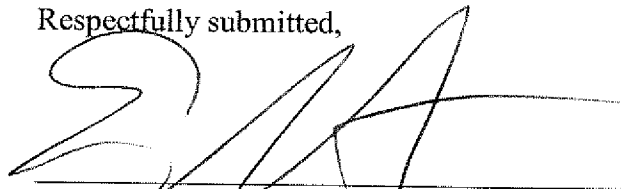
Thus, Applicant submits that claim 1 is allowable.

Applicant further submits that dependent claims 2-16 and 18-22 further recite subject matter not anticipated or rendered obvious by the cited references. Applicant has also amended claim 22 to recite a structural difference.

Applicant additionally submits that dependent claims 2-16 and 18-22 are allowable based at least on the dependency of these claims from independent claim 1.

In view of the foregoing, it is respectfully submitted that the cited references neither anticipate nor render obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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